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Before the Federal Communications Commission
Washington, D.C. 20554

DEC 23 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Request for Review)	CC Docket No. 96-45
of the Decision of the)	
Universal Service Administrator by)	CC Docket No. 97-21
MasterMind Internet Services, Inc.)	

MOTION TO EXPEDITE REVIEW

Comes now MasterMind Internet Services, Inc. ("MasterMind"), and respectfully requests the Federal Communications Commission ("FCC") to expedite its review of MasterMind's Request for Review filed with the FCC on November 24, 1999. In support of its Motion, MasterMind states:

1. MasterMind provides Internet and non-telecommunications services to numerous school districts in the State of Oklahoma. For the past three years, MasterMind has provided eligible internet and non-telecommunications services to school districts participating in the Schools and Libraries Universal Service Program established as part of the Federal Telecommunications Act of 1996 to provide affordable access to telecommunications services for eligible schools and libraries. The program is administered by the School and Libraries Division of the Universal Service Administrative Company ("SLD"). MasterMind was the contracted service provider for over 300 school districts that had applied with the SLD for supported eligible services. SLD denied funding for 116 applications of these school districts which allegedly violated the "intent of the bidding process."

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2. MasterMind filed its Request for Review challenging the SLD's denial of such funding on the 116 applications pursuant to 47 C.F.R. §§ 54.719 and 54.722, and requested that the FCC overturn the decision of the SLD.

3. MasterMind's Request for Review was served upon SLD on or about November 24, 1999.

4. Pursuant to 47 C.F.R. §§ 54.720(e) and 1.45, oppositions to a request for review may be filed within ten days after the request is filed. SLD has not filed any opposition to MasterMind's Request for Review.

5. MasterMind respectfully requests that the FCC expedite its review of MasterMind's Request for Review and to reverse the decision of the SLD denying funding for eligible service.

6. MasterMind's position is buttressed by a recent admission by Ellen Wolfhagen, an attorney for SLD, wherein she admitted in an e-mail, dated November 22, 1999, to Chris Webber of MasterMind that she believes MasterMind may be in "literal compliance" with the universal service rules. A copy of the e-mail received by Chris Webber is attached as Exhibit A-1 to the Webber Affidavit.

Respectfully submitted,

Mark Edwards

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James P. Young

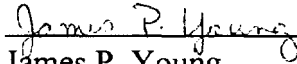
James P. Young
SIDLEY & AUSTIN
1771 Eye Street, N.W.
Washington, D.C. 20006
Telephone: 202-736-8677

Attorneys for MasterMind

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing instrument was mailed postage prepaid thereon and by certified mail this 22nd day of December, 1999, to:

Administrator
Universal Services Administrative Co.
c/o Ellen Wolfhagen
Counsel
USAC/Schools and Libraries Division
2120 L Street, N.W., Suite 600
Washington, D.C. 20037


James P. Young

Before the Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
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Request for Review) CC Docket No. 96-45
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MasterMind Internet Services, Inc.)

AFFIDAVIT OF CHRIS WEBBER

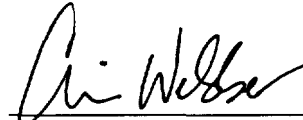
STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

Chris Webber, being first duly sworn, upon oath, states:

1. I am Chris Webber, director of E-Rate Services for MasterMind Internet Services, Inc. ("MasterMind"). I have reviewed the documents and information in this matter and attest to its truth, and am authorized to execute this Affidavit on behalf of MasterMind.
2. On October 26, 1999, the School and Libraries Division of the Universal Service Administrative Company ("SLD") issued its notice that 116 applications for the funding of discounted eligible services provided by MasterMind had been denied for the stated reason: "The circumstances surrounding the filing of form 470 violated the intent of the competitive bidding process."
3. On November 22, 1999, I received an e-mail from Ellen Wolfhagen, an attorney for SLD, wherein Ms. Wolfhagen stated that MasterMind was in literal compliance with the SLD

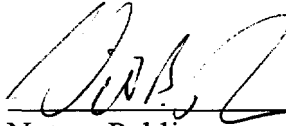
competitive bidding rules for the third program year. A copy of the e-mail that I received from Ms. Wolfhagen is attached as Exhibit A-1.

Further Affiant sayeth not.



Chris Webber

Subscribed and sworn to before me this 21st day of December, 1999, by Chris Webber.

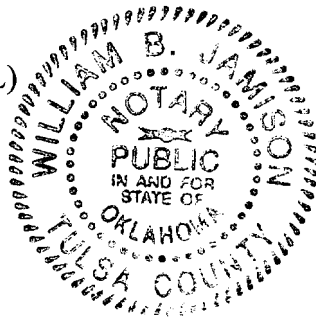


Notary Public

My Commission Expires:

My Commission Expires 7-21-2001

(SEAL)



Subject: Answer to Your Question

Date: Mon, 22 Nov 1999 18:16:32 -0500

From: "Ellen Wolfhagen" <ewolfhagen@universalservice.org>

To: <cwebber@mail.mmind.net>

Chris:

Thank you for submitting your question. I want to be very clear, but I am also concerned about giving the impression that I am approving or somehow accepting MasterMind's practices. Given that, let me state that although I believe MasterMind may at this point be in literal compliance with program rules, I have become aware of some practices in Year 3 which raise significant concerns on the part of SLD. Those practices include, but are not limited to, the following:

- 1) MasterMind may indeed "complete" the Form 470, if by complete you mean fill in the information SUPPLIED by the school. I am aware of several instances in Year 3 where the school/district was not aware of the filing until AFTER the Form 470 was posted. As I sure you understand, Chris, through our various communications, it is necessary for MasterMind to have its Letter of Agency on file BEFORE filing out the Form 470.
- 2) I have also seen some Form 470s that are very unclear about the type or quantity of services being requested. Again, as you know, the purpose of the Form 470 is to solicit bids; if the Form itself is unclear as to what is being requested, how can vendors make a meaningful response?
- 3) I know that you have put in a request for entity numbers from Year 2 Forms 471, from the Client Service Bureau. I am troubled by this request for two reasons; one, as you are well aware, our resources are limited and I don't believe this is an appropriate use of those resources and two, because again there is the appearance that the entities are not involved with you in this whole process. Before SLD will consider fulfilling this request, we need to have a better understanding of the intended use of this information.

I appreciate the opportunity, Chris, to work with MasterMind to be sure that both our goals are met: that you get the business you want and that all your applications are in full compliance with program rules. I think that if there are further questions or concerns on your part, perhaps we should set up a meeting in Washington, D.C. That would give us an opportunity, like we had last August, to really discuss all the ramifications of the rules and the actions you are taking.

Ellen Wolfhagen
Counsel
Schools and Libraries Division/USAC

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